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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION,

Case No. 18-cv-06753-PJH

This Document Relates To:  
 All Actions

**DEFENDANTS' ADMINISTRATIVE MOTION  
 FOR LEAVE TO FILE A RESPONSE TO LEAD  
 PLAINTIFF'S OBJECTION TO REPLY  
 EVIDENCE**

[Civil Local Rules 7-3(d) and 7-11]

Consolidated First Amended Complaint filed:  
 March 25, 2020

Pursuant to Civil Local Rules 7-3(d) and 7-11, Defendants Ripple Labs, Inc., XRP II, LLC, and Bradley Garlinghouse hereby move for leave to file a Response to Lead Plaintiff's Objection to Reply Evidence ("Objection"). Defendants' proposed Response to Lead Plaintiff's Objection ("Response") is attached as Exhibit A to the Declaration of Maxwell V. Pritt ("Pritt Declaration") filed herewith.

On June 8, 2020, Defendants filed a Motion to Dismiss Counts Four, Six, and Seven of the Consolidated First Amended Complaint ("Motion to Dismiss"). Dkt. 102. Plaintiff filed an Opposition on July 8, Dkt. 105, and Defendants filed their Reply on July 29, Dkt. 106. Per Civil Local Rule 7-3(d)(1), Plaintiff filed his Objection on August 4. Dkt. 109. Defendants now seek leave to file a Response to that Objection.

Defendants' proposed Response is limited to addressing Plaintiff's erroneous arguments that (1) Defendants' Reply brief purportedly raised "new" evidence (it did not), and (2) the Court cannot consider materials cited or referenced in the First Amended Complaint that form the basis of Plaintiff's claims and bear directly on the Motion to Dismiss (the Court can). The filing of this Response will not prejudice Plaintiff, and it would be unfair to deprive Defendants of the chance to respond to the inaccurate Objection. Courts routinely grant parties leave to respond in similar circumstances. *Patel v. Nike Retail Serv., Inc.*, 2016 WL 1241777, at \*1 n.1 (N.D. Cal. Mar. 29, 2016) (granting leave to respond to Rule 7-3(d) objections); *Banerjee v. Avinger, Inc.*, 2017 WL 4552063, at \*3 (N.D. Cal. Oct. 11, 2017) (same).

Pursuant to Local Civil Rule 7-11(a), Defendants and Plaintiff were not able to stipulate to the filing of this motion. Pritt Decl. ¶ 3.

For the reasons set forth above and in the Pritt Declaration, Defendants respectfully request the Court grant this administrative motion and consider Defendants' Response to Lead Plaintiff's Objection to Reply Evidence in connection with the Motion to Dismiss.

Dated: August 7, 2020

Respectfully submitted,

By: /s/ Maxwell V. Pritt  
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